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THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

CORRINA ROSE GONZALES,

Defendant and Appellant.

A125631

(Sonoma County Super. Ct.
Nos. SCR-518813 & SCR-537368)

Appellant Corrina Rose Gonzales pleaded no contest to charges of assault with a deadly weapon and receiving a stolen vehicle. Appellant's court-appointed counsel has briefed no issues and asks this court to review the record as required by *People v. Wende* (1979) 25 Cal.3d 436. We have done so and find no issues that merit briefing.

FACTUAL AND PROCEDURAL BACKGROUND

This appeal arises from two criminal cases, Sonoma County Superior Court case numbers SCR-518813 and SCR-537368. Appellant was sentenced in both cases at a single hearing. We summarize the facts of each case in turn.¹

Case Number SCR-518813

On August 20, 2007, Sonoma County deputy sheriffs ran a license check on a car parked outside a house believed to be associated with frequent criminal activity. The check revealed the vehicle was a rental car reported stolen by Hertz. Appellant and

¹ Because the convictions were based on no contest pleas, the relevant facts are taken from the probation reports in the two cases that give rise to this appeal.

Flaman McCloud left the house and drove away in the car. Deputies stopped the vehicle and discovered that McCloud was on parole. A K-9 dog brought in to search the vehicle alerted deputies to a purse on the front passenger seat. Inside the purse, deputies found a plastic wrapper containing 1.43 grams of methamphetamine, a second plastic wrapper containing 0.5 grams of a substance suspected to be methamphetamine, a glass smoking pipe, a digital scale, and indicia that the purse belonged to appellant. McCloud and appellant both told the reporting deputy that the car did not belong to McCloud. Neither of the two was listed on the rental contract with Hertz.

On November 13, 2007, the Sonoma County District Attorney charged appellant in a four-count information with vehicle theft (Veh. Code, § 10851, subd. (a)), receiving a stolen vehicle (Pen. Code,² § 496d, subd.(a)), sale or transportation of methamphetamine (Health & Saf. Code, § 11379, subd. (a)), and a misdemeanor count of possession of drug paraphernalia (Health & Saf. Code, § 11364, subd. (a)).

On February 22, 2008, appellant entered a plea of no contest to one count of receiving a stolen vehicle (§ 496d, subd. (a)) pursuant to a negotiated plea agreement. In exchange for the plea, the prosecutor agreed to dismiss the remaining charges against appellant, with *Harvey*³ waivers, at the time of sentencing. In addition, the prosecutor agreed that appellant would be placed on probation and that she would have to serve no more than six months jail time. The written plea waiver form reflected that appellant understood she could serve a maximum term of three years in state prison for the offense. Appellant agreed to be subject to gang-related conditions of probation as part of the plea deal.

Case Number SCR-537368

Early in the morning of March 18, 2008, a police officer interviewed a stabbing victim in the emergency room of Santa Rosa Memorial Hospital. During the initial and subsequent interviews it was learned that the victim had been at a house in Santa Rosa

² All further statutory references are to the Penal Code unless otherwise specified.

³ *People v. Harvey* (1979) 25 Cal.3d 754.

where 10 to 15 people were present. She had gone to an upstairs bedroom to use methamphetamine. Appellant entered the room and spoke with the victim. When appellant hugged the victim, a male voice outside the door stated the house was “clear.” At that point, appellant stepped back and asked the victim if it was true there was “paperwork” on the victim, meaning that she had cooperated with the police in an earlier matter. Appellant asked the victim what they “should do about it” and told her to “pick [her] own consequence.” The victim noticed appellant was holding a knife in her right hand. Appellant then told the victim, “You’re dead now, bitch.” As the victim looked down, she felt coldness on her face and felt blood. She suffered a seven-inch laceration on her face as well as a six-inch laceration near her armpit. The victim jumped out of the second-story window and fled.

It was determined the victim was attacked in retaliation for providing information to the police during a homicide investigation. A street gang expert opined that appellant’s friend cleared the residence of individuals so they would not witness the stabbing. The expert also opined that the victim’s injuries were commonly referred to as a “snitch’s scar.”

In a three-count information filed November 12, 2008, the Sonoma County District Attorney charged appellant with assault with a deadly weapon (§ 245, subd. (a)(1)), making criminal threats (§ 422), and participation in a criminal street gang (§ 186.22, subd. (a)). In connection with the assault charge, it was further alleged that appellant had personally inflicted great bodily injury upon the victim (§ 12022.7, subd. (a)), that appellant committed the crime at the direction of a criminal street gang (§ 186.22, subd. (b)(1)(C)), and that appellant was released on bail in case SCR-518813 at the time of the offense (§ 12022.1).

On March 5, 2009, appellant entered a no contest plea to the assault with a deadly weapon charge, and entered no contest admissions to the great bodily injury and street gang enhancements. The negotiated plea agreement called for a seven year eight month maximum sentence for both cases—SCR-518813 and SCR-537368—with all other pending counts and other cases to be dismissed. It was also agreed that the ten-year term

on the criminal street gang enhancement (§ 186.22, subd. (b)(1)(C)) would be “forever stayed.” As reflected on her plea waiver form, appellant acknowledged the court could impose a fine of up to \$10,000, a mandatory restitution fine of \$200 to \$10,000, a parole restitution fine in the same amount of the restitution fine, and victim restitution. Appellant also signed a *Blakely*⁴ waiver, agreeing to waive her right to a jury trial as to any fact in aggravation that might be used to enhance her sentence.

At the sentencing hearing on July 7, 2009, the court imposed the upper term of four years on the assault with a deadly weapon offense with a consecutive three-year term for the great bodily injury enhancement. Among other things supporting the upper term sentence, the court cited appellant’s numerous prior convictions. The court stayed the consecutive term on the criminal street gang enhancement. The court imposed a consecutive eight-month term for receiving a stolen vehicle in case SCR-518813, resulting in a total sentence of seven years eight months.

Restitution fines of \$3,400 and \$200 were imposed in cases SCR-537368 and SCR-518813, respectively. The court also imposed parole revocation fines of \$3,400 and \$200, which the court suspended unless parole is revoked. Appellant was ordered to pay \$1,725.89 in victim restitution to the Victim’s Compensation Board, and \$8,446 directly to the victim of the March 2008 assault. The court awarded presentence credit of 19 days in case number SCR-518813, consisting of 17 actual days served plus two days conduct credits. In case number SCR-537368, the court awarded presentence credit of 44 days, consisting of 39 actual days served plus five days conduct credits.

The court imposed a \$20 security fee pursuant to section 1465.8 and required appellant to provide blood and saliva samples pursuant to section 296. Appellant was also required to register with local law enforcement officials pursuant to section 186.30 as a person convicted of a gang-related offense.

Appellant timely appealed the judgment.

⁴ *Blakely v. Washington* (2004) 542 U.S. 296.

DISCUSSION

Appellant's counsel filed a brief identifying no potentially arguable issues and asking this court to independently review the record under *People v. Wende, supra*, 25 Cal.3d 436. In addition, appellant has had an opportunity to file a supplemental brief with this court but has not done so. We have reviewed the entire record and conclude no issue warrants further briefing.

DISPOSITION

The judgment is affirmed.

McGuiness, P.J.

We concur:

Pollak, J.

Siggins, J.